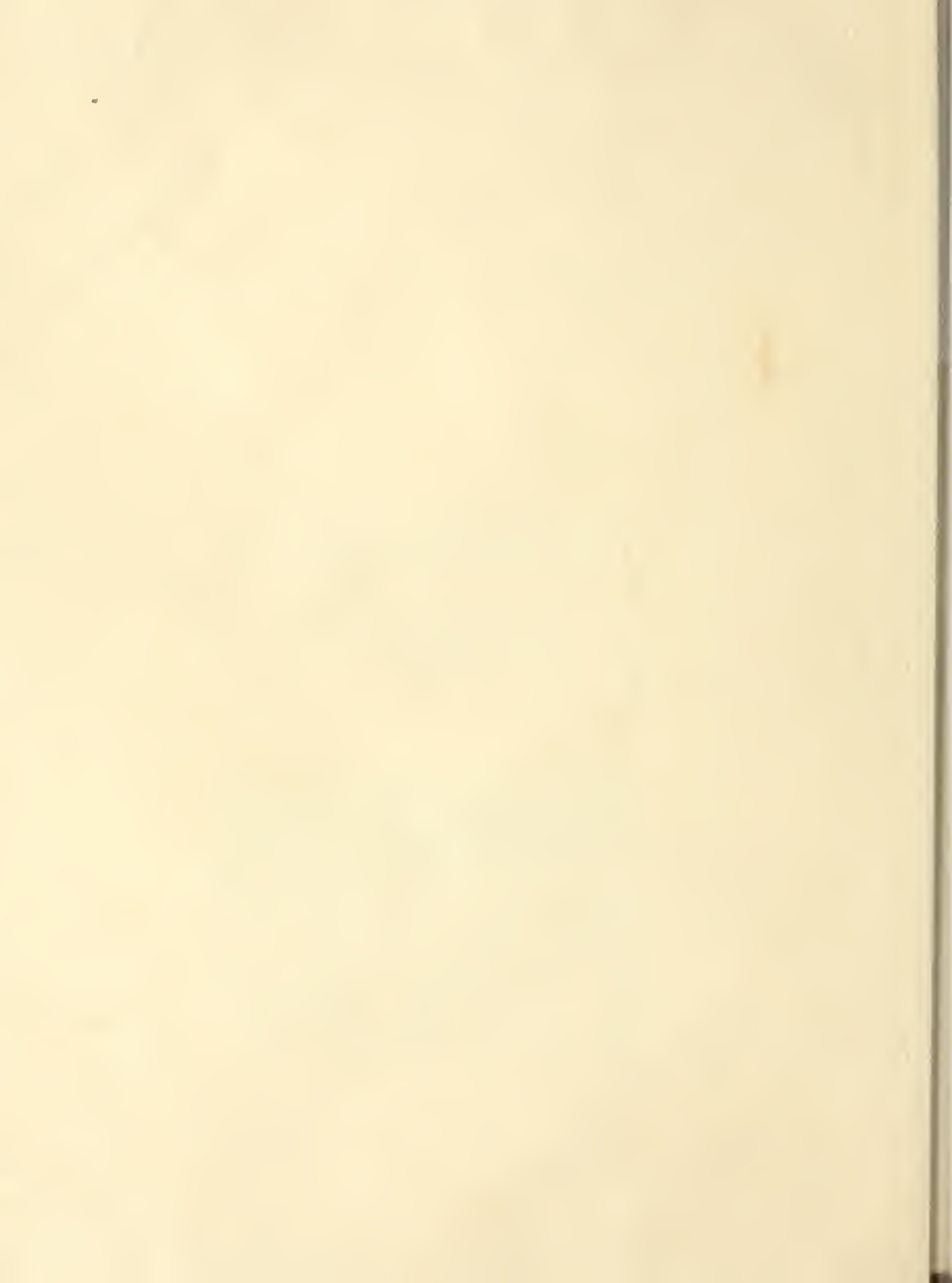
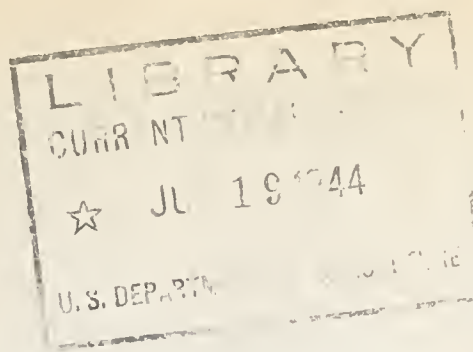


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WAR FOOD ADMINISTRATION

[WFO 102]

PART 1405—FRUITS AND VEGETABLES

GEORGIA PEACHES

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of peaches produced in the State of Georgia, for defense and private account, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1405.43 *Restrictions relative to the shipment of peaches—(a) Definitions.* (1) "Peaches" means any and all peaches in fresh form, grown and located in the State of Georgia.

(2) "Person" means any individual, partnership, association, corporation, business trust, or any organized group of persons whether incorporated or not.

(3) "Ship" means to ship peaches by private carrier or common carrier from a point within Georgia to a point outside of Georgia.

(4) "U. S. No. 2 grade" means U. S. No. 2 grade as defined in "U. S. Standards For Peaches (1933)," issued by the U. S. Department of Agriculture on April 22, 1933, and reissued by the War Food Administration on June 22, 1943, as in effect at the time peaches subject hereto are shipped.

(5) "Director" means the Director of Distribution, War Food Administration.

(b) *Restrictions.* (1) No person shall ship peaches which fail to meet the requirements of U. S. No. 2 grade with respect to decay, maturity, worms, and worm holes, but in any bulk lot of peaches or in any lot of packages of peaches not more than an average of 10%, by count, of the peaches may fail to meet such requirements, but no more than an average of $\frac{1}{10}$ of this tolerance (1%) shall be allowed for decay: *Provided*, That not more than 15%, by count, of the peaches in an individual package in any lot shipped may fail to meet the requirements with respect to maturity, decay, worms, and worm holes, but of this tolerance, not more than $\frac{2}{15}$ (2%) shall be allowed for decay. The peaches may fail to meet the requirements of the U. S. No. 2 grade other than for maturity, decay, worms, and worm holes.

(2) No person shall ship peaches un-

less such peaches have been inspected by an authorized representative of the Federal-State inspection service, and each shipper of peaches shall submit promptly, to the Director, Office of Distribution, 305 Grand Bldg., Macon, Georgia, the Federal-State shipping point inspection certificate with respect to each shipment of peaches by such person. Such certificate shall set forth whether the peaches, contained in such shipment, comply with or meet the minimum requirements set forth in (b) (1) hereof. Peaches once inspected pursuant hereto may be shipped without further inspection if such peaches meet the requirements of (b) (1) hereof.

(3) The restrictions hereof shall be observed by each person affected by this order without regard to the rights of creditors, existing contracts, or payments made.

(4) The Director may release from the provisions of this order any lot of peaches for use in the production for sale of any product containing 7 percent, or more, of alcohol, by volume, if such use of the lot of peaches has been authorized pursuant to WFO 69, as amended, 9 F.R. 4321, 4319 (formerly designated as Food Distribution Order No. 69, as amended, 8 F.R. 10477, 9 F.R. 4321, 4313, 4528).

(c) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of peaches of any person, and to make such investigations, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

(d) *Records and reports.* (1) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

(2) Every person who ships peaches shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in peaches.

(e) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unrea-

sonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(f) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using peaches, or any other material subject to priority or allocation control by any governmental agency. In addition, any person who willfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(h) *Communications.* All reports required to be filed hereunder and all communications, other than those required to be submitted pursuant to (b) (2) hereof, concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Director of Distribution, War Food Administration, Washington 25, D. C., Ref. WFO 102.

(i) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., June 9, 1944.

NOTE: All reporting and record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322; 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 7th day of June 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

War Food Administration,
Summary to WFO 102

War Food Order 102, effective 12:01 a. m., EWT, June 9, 1944, restricts the shipment, from any point within the State of Georgia to any point outside of all peaches which fail to meet, except for certain permitted tolerances, the requirements of U. S. No. 2 grade with respect to decay, maturity, worms, and worm holes. Tolerances allowed for any bulk lot of peaches or for any lot of packages of peaches permit not more than an average of 10 percent, by count, of the

peaches to fail to meet the U. S. No. 2 grade requirements for decay, maturity, worms and worm holes, except that not more than 1 percent is permitted for decay and provided further that not more than 15 percent, by count, of the peaches in an individual package in any lot shipped may fail to meet the requirements with respect to maturity, worms, worm holes and decay, except not more than 2 percent shall be allowed for decay. The peaches may fail to meet the requirements of U. S. No. 2 grade other than for maturity, worms, worm holes, or decay.

The order provides also that no person shall ship peaches unless such peaches have been inspected by the Federal-State inspection service and that each shipper shall submit promptly to the Director, Office of Distribution, 305 Grand Building, Macon, Georgia, a Federal-State shipping point inspection certificate with respect to each shipment of peaches by such person.

Peaches released from the restrictions of WFO 69, as amended, for use in the manufacture of alcoholic products may be released by the Director of Distribution from the restrictions of WFO 102.

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WAR FOOD ADMINISTRATION

WFO 102

TERMINATION

DEC. 22, 1944

[WFO 102, as Amended, Termination]

PART 1405—FRUITS AND VEGETABLES

GEORGIA PEACHES

War Food Order No. 102 (9 F.R. 6205), as amended (9 F.R. 9584), is hereby revoked and terminated as of 12:01 a. m., e. w. t., December 27, 1944.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 102, as amended, prior to the effective time hereof, all provisions of said order in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other pro-

ceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 22d day of December 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

War Food Administration
Summary to WFO-102 as amended, Termination.

The War Food Administration has revoked War Food Order No. 102 which was issued June 7, 1944 to control the

quality of Georgia peaches shipped in interstate commerce during the 1944 marketing season. The revocation is effective December 27, 1944, and brings to a total of 65 the number of War Food Orders terminated.

